

HAWAII ADMINISTRATIVE RULES

TITLE 12

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

SUBTITLE 8

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

PART 2

GENERAL INDUSTRY STANDARDS

CHAPTER 67.2

GENERAL ENVIRONMENTAL CONTROLS

§12-67.2-1	Field Sanitation
§12-67.2-2	Incorporation of federal standard

Historical note: Chapter 12-67.2 is based substantially upon chapter 12-67.1, [Eff 3/29/99; R 12/29/01], chapter 12-68.1, [Eff 3/29/99; R 12/29/01], chapter 12-70, [Eff 12/6/82; am 8/16/84; am 8/15/87; R 12/29/01], 12-101.1 [Eff 9/30/94; am 8/10/95; R 12/29/01], and chapter 12-104. [Eff 7/12, am 11/5/93; am 9/30/94; am 7/6/99; R 12/29/01]

**§12-67.2-1 Field sanitation. (a)** This section shall apply to those agricultural establishments where 11 or more employees, other than immediate family members, are employed, on any given day, in hand-labor operations. Toilet facilities in this section shall apply only to migrant agricultural workers. This section shall not apply to agricultural establishments engaged in logging operations, care or feeding of livestock, or hand-labor operations performed in permanent structures (e.g., canning facilities or packing houses).

**(b) Definitions.** As used in this section:

"Agricultural employer" means any person, corporation, association, or other legal entity that:

- (1) Owns or operates an agricultural establishment;
- (2) Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or
- (3) Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

"Agricultural establishment" is a business operation that uses paid employees in the production of food, fiber, or other materials such as seeds, seedlings, plants, or parts of plants.

"Hand-labor operations" means agricultural activities or operations performed by hand or with hand tools. Some examples are the hand harvest of vegetables, nuts, fruits, hand weeding of crops, hand planting of seedlings, including mushrooms, and the hand packing of produce into containers, whether done on the ground, on a moving machine, or in a temporary packing shed located in the field.

"Handwashing facility" means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap, and single-use towels.

"Migrant agricultural worker" means an employee in agricultural employment of a seasonal or temporary nature and who is required to be absent from the employee's permanent place of residence.

"Potable water" means water that meets the standards for drinking purposes by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States

Environmental Protection Agency's National Interim Primary, Drinking Water Regulations, published in CFR Part 141.

"Toilet facility" means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets, and sanitary privies.

(c) General requirements.

- (1) Agricultural employers shall provide potable water for all employees engaged in hand-labor operations in the field, without cost to the employee.
- (2) The potable water shall be used exclusively for drinking and handwashing purposes and shall be at locations readily accessible to all employees in the field.
  - (A) The potable water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet employees' needs.
  - (B) The potable water shall be dispensed in single use drinking cups, individual canteens, other personalized containers. The use of a common drinking cup or dipper is prohibited.
- (3) Toilet and handwashing facilities.
  - (A) One handwashing facility shall be provided for each 20 employees or fraction thereof, except as stated in subparagraph (F) below.
  - (B) Handwashing facilities shall be accessibly located and shall be within a one-quarter mile walk of each hand-laborer's place of work in the field.
  - (C) One toilet facility shall be provided for each 20 migrant agricultural workers or fraction thereof, except as stated in subparagraph (F) below. The facility shall be located within a one-quarter mile walk of each worker in the field.
  - (D) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from the inside, and shall be constructed to ensure privacy.
  - (E) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.
  - (F) Toilet and handwashing facilities are not required for employees who perform field work for a period of 3 hours or less (including transportation time to and from the field) during the day.
- (4) Maintenance. Potable drinking water and toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices, including the following:
  - (A) Drinking water containers shall be constructed of materials that maintain water quality, shall be refilled daily or more often as necessary, shall be kept covered, and shall be regularly cleaned;
  - (B) Toilet facilities shall be operational and maintained in clean and sanitary condition;
  - (C) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply and shall be maintained in a clean and sanitary condition; and
  - (D) Disposal of wastes from facilities shall not cause unsanitary conditions.
- (5) Reasonable use. The employer shall notify each employee of the location of the facilities; shall allow each employee reasonable opportunities during the workday to use the facilities. The employer also shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field such as heat, communicable diseases, retention of urine, and agricultural residues:
  - (A) Use the water and facilities provided for drinking, handwashing, and elimination;
  - (B) Drink water frequently and especially on hot days;
  - (C) Urinate as frequently as necessary;
  - (D) Wash hands before and after using the toilet; and
  - (E) Wash hands before eating and smoking.

(d) Dates.

- (1) Effective date. This section shall take effect 10 days after filing with the office of the lieutenant governor.
- (2) Startup dates. Employers shall comply with the requirements of the following:
  - (A) Subsection (c)(3), to provide handwashing and toilet facilities, by the sixtieth calendar day after the effective date;
  - (B) Subsection (c)(4), to provide maintenance for toilet and handwashing facilities, by the sixtieth calendar day after the effective date; and
  - (C) Subsection (c)(5), to ensure reasonable use, by the sixtieth calendar day after the effective date. [Eff 12/29/01] (Auth: HRS §396-4) (Imp: HRS §396-4)

**§12-67.2-2 Incorporation of federal standard.** Title 29, Code of Federal Regulations, Subpart C, entitled "General Environmental Controls" published by the Office of the Federal Register, National Archives and Records Administration, on June 27, 1974; and the amendments published on April 28, 1975; May 28, 1975; October 24, 1978; November 7, 1978; April 26, 1982; February 10, 1984; April 30, 1984; September 19, 1986; September 1, 1989; October 17, 1989; September 20, 1990; January 14, 1993; June 1993; May 19, 1994; March 7, 1996; June 18, 1998; and December 1, 1998, are made part of this chapter except as provided in section 12-67.2-1. [Eff 12/29/01] (Auth: HRS §396-4) (Imp: HRS §396-4)